



**Village of Peninsula**

**AGENDA  
REGULAR MEETING OF COUNCIL**

February 10, 2020  
7:00 p.m. Village Hall  
1582 Main Street, Peninsula

**CALL TO ORDER; PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENTATION OF AGENDA AND AMENDMENT OF THE AGENDA**

**PRESENTATION AND CONSIDERATION OF RECORD OF PROCEEDINGS**  
January 13, 2020 Regular Council Meeting Minutes

**SPECIAL MATTERS AS DETERMINED BY THE CHAIR**  
Lisa King, Summit County Metro Parks

**APPOINTMENT OF COUNCIL LIAISONS**  
Finance  
Police Department, Daniel Schneider, Sr.  
Roads and Public Works, Michael Matusz  
Buildings and Grounds  
Chamber of Commerce and Economic Development, Christopher Weigand  
Policies and Procedures, Michael J. Kaplan

Possible Creation of CVNP Liaison Position

**CITIZEN PARTICIPATION**

**REPORTS:**  
**Mayor Daniel Schneider, Jr.:**

**Fiscal Officer Trevor Elkins:**  
Ohio Open Checkbook  
Fuel Contract with Township

**Street Commissioner Douglas Anderson:**

**Finance Liaison:**

Acknowledgement of Receipt of Financial Reports  
Ratification of Submitted Bills List

**Police Department Liaison: Daniel Schneider, Sr.**

**Roads and Public Works Liaison: Michael Matusz**

Proposed Lease Agreement with Boston Township through end of 2020  
Equipment Trade-In  
Employee Call-In Pay Rate

**Planning Commission: Christopher Weigand**

**Zoning: Mayor Schneider**

**Board of Zoning Appeals: Mayor Schneider**

Two Board Vacancies

**Buildings and Grounds Liaison:**

Sidewalk Repair Quotes

**Chamber of Commerce & Economic Development Liaison: Christopher Weigand**

**Policies & Procedures Liaison: Michael J. Kaplan**

Full-Time Employee Health Care Payroll Deductions

**Fire Board:**

Appointment of Village Board Representative

**Cemetery Board: Daniel Schneider, Sr.**

Village Approval of At-Large Board Representative Jerry Ritch

**JEDD:**

**Wastewater:**

Ohio EPA Meeting  
Appointment of Wastewater Committee

**Solicitor Brad Bryan:**

Army Corps Directive Update  
Addition of Committee Member  
Road Levy

**LEGISLATION:**

*Third Reading:*

**Ordinance No. 34-2019**

Requested by Councilperson Weigand

**An Ordinance Establishing Chapter 1159 of the Zoning Code Relating to Subdivision Regulations**

*Second Reading:*

**Resolution No. 01-2020**

Requested by Councilperson Matusz

**A Resolution Reappointing Bradric Bryan of Goodwin & Bryan, LLP as the Village's Solicitor and Prosecutor for a Term Commencing on April 1, 2020 and Ending on March 31, 2021**

*First Reading:*

**Resolution No. 02-2020**

Requested by Mayor Schneider

**A Resolution Authorizing the Mayor to Accept a Northeast Ohio Public Energy Council Energized Community Grant**

**Resolution No. 03-2020**

Requested by Solicitor Bryan and Fiscal Officer Elkins

**A Resolution Requesting the County Fiscal Officer to Certify to the Village of Peninsula the Amount a 3 Mill, Five Year, Road Tax Renewal Levy Would Generate for the Village**

**Resolution No. 04-2020**

Requested by Mayor Schneider

**An Ordinance Amending Section 147.08 of the Administrative Code Relating to Call Back Pay**

**UNFINISHED BUSINESS:**

Necessary Space Site Plan Layout for Land Swap Discussions with CVNP for Possible Service Department Headquarters

Village Hall Structural Issues

Village Sidewalk Condition Survey

**NEW BUSINESS:**

**EXECUTIVE SESSION** (as needed):

**ADJOURNMENT**

VILLAGE OF PENINSULA, OHIO  
RESOLUTION NO.: 01-2020  
INTRODUCED BY: \_\_\_\_\_  
DATE PASSED: \_\_\_\_\_

**A RESOLUTION REAPPOINTING BRADRIC BRYAN OF GOODWIN & BRYAN, LLP  
AS THE VILLAGE'S SOLICITOR AND PROSECUTOR FOR A TERM COMMENCING  
ON APRIL 1, 2020 AND ENDING ON MARCH 31, 2021**

WHEREAS, Section 733.48 of the Ohio Revised Code provides that the Village Council may provide legal counsel for the Village; and

WHEREAS, Bradric Bryan was originally appointed as the Village's Solicitor and Prosecutor on March 21, 2016 to a term commencing on April 1, 2016, and Mr. Bryan's current term expires on March 31, 2020; and

WHEREAS, Council desires to reappoint Bradric Bryan of Goodwin & Bryan, LLP as the Village's Solicitor and Prosecutor for another one year term.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Peninsula, Summit County, Ohio, to wit:

SECTION 1. Council hereby and herein reappoints Bradric Bryan of Goodwin & Bryan, LLP as the Village's Solicitor and Prosecutor for a subsequent one year term commencing on April 1, 2020 and ending on March 31, 2021 based upon the terms of the Contract that is attached hereto and incorporated by reference. The Mayor is hereby and herein directed to execute the attached Legal Services Contract on behalf of the Village.

SECTION 2. All formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution shall take effect and be in force after the earliest period permitted by law.

SECTION 4. Effective Date. This Resolution shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

RESOLUTION 01-2020  
PAGE TWO

IN WITNESS WHEREOF, we have hereunto set our hands this \_\_\_\_\_ day  
of \_\_\_\_\_, 2020.

Passed:

\_\_\_\_\_  
Daniel Schneider, Jr., Mayor

Attest:

\_\_\_\_\_  
Trevor K. Elkins, Fiscal Officer

Approved as to Legal Form.

\_\_\_\_\_  
Bradric T. Bryan, Solicitor

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, do hereby certify that the foregoing Resolution was duly passed by the Council of the Village of Peninsula, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Trevor K. Elkins, Fiscal Officer

#### Posting Certificate

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, hereby certify that there is no newspaper published in the Municipality, and publication of the foregoing Resolution was made by posting true and accurate copies thereof at five of the most public places in the Village as previously determined by Council, each for a period of at least fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, as follows:

1. Terry Lumber & Supply;
2. Valley Fire District;
3. Peninsula Library & Historical Society;
4. Peninsula Village Hall Lobby; and
5. Peninsula Post Office.

\_\_\_\_\_  
Trevor K. Elkins, Fiscal Officer

**LEGAL SERVICES CONTRACT FOR VILLAGE SOLICITOR AND PROSECUTOR**

This Agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2020, by and between the Village of Peninsula, Ohio ("Village"), an Ohio municipal corporation, and Bradric Bryan of Goodwin & Bryan, LLP, 22050 Mastick Road, Fairview Park, Ohio 44126, an attorney licensed to practice law in the State of Ohio.

WHEREAS, Section 733.48 of the Ohio Revised Code provides that the Village Council may provide legal counsel for the Village; and

WHEREAS, Bradric Bryan is an attorney and partner with the law firm of Goodwin & Bryan, LLP who was first appointed as the Village's Solicitor and Prosecutor on March 21, 2016 for a term commencing on April 1, 2016, and Mr. Bryan's current term expires on March 31, 2020; and

WHEREAS, by way of Village Resolution 01-2020, the Village Council reappointed Bradric Bryan of Goodwin & Bryan, LLP as the Village's Solicitor and Prosecutor for a new one year term, effective April 1, 2020.

NOW THEREFORE, the Village, through its Mayor and as Certified by its Fiscal Officer, hereby enters into the within Agreement regarding Bradric Bryan of Goodwin & Bryan, LLP's service as the Solicitor and Prosecutor for the Village, as follows.

1. Term. This Solicitor and Prosecutor reappointment is effective April 1, 2020 for a one year term expiring March 31, 2021.

2. Scope of Work and Compensation. Mr. Bryan and Goodwin & Bryan, LLP shall regularly attend Regular and Special Council, Planning Commission, and BZA Meetings, and perform all necessary Solicitor and prosecutorial work for the Village for a fixed rate monthly retainer in the amount of \$5,195 per month (a total of \$62,340 for the 12 month period). During the term of this Agreement, Mr. Bryan/Goodwin & Bryan, LLP shall be required to perform at least an average of 41 hours of attorney legal work per month for the Village. The monthly retainer is payable to Goodwin & Bryan, LLP each month starting in April of 2020.

**Bradric Bryan/Goodwin & Bryan, LLP**

**Village of Peninsula**

\_\_\_\_\_  
Bradric T. Bryan, Attorney and Partner

\_\_\_\_\_  
Daniel Schneider, Jr., Mayor

**Certificate of Fiscal Officer**

I, the undersigned Fiscal Officer of the Village, hereby certify that the amount of money required to meet the Village's obligations under this contract for the calendar year 2020 has been lawfully appropriated for such purposes and is in the treasury of the Village or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances.

\_\_\_\_\_  
Trevor K. Elkins, Fiscal Officer

VILLAGE OF PENINSULA, OHIO  
RESOLUTION NO.: 02-2020  
INTRODUCED BY: \_\_\_\_\_  
DATE PASSED: \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A NORTHEAST OHIO  
PUBLIC ENERGY COUNCIL ENERGIZED COMMUNITY GRANT**

WHEREAS, the Village is a member of the Northeast Ohio Public Energy Council ("NOPEC") and is eligible for a NOPEC Energized Community Grant ("NEC Grant") for 2020 as provided for in the NEC Grant Program guidelines; and

WHEREAS, the Village desires to accept a NEC Grant for 2020.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Peninsula, Summit County, Ohio, to wit:

SECTION 1. Council finds and determines that it is in the best interests of the Village to accept a 2020 NEC Grant in the amount of \$1,736.

SECTION 2. All formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution shall take effect and be in force as of the earliest date permitted by law.

SECTION 4. Effective Date. This Resolution shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

IN WITNESS WHEREOF, we have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

RESOLUTION 02-2020  
PAGE TWO

Passed:

\_\_\_\_\_  
Daniel Schneider, Jr., Mayor

Attest:

\_\_\_\_\_  
Trevor K. Elkins, Fiscal Officer

Approved as to Legal Form.

\_\_\_\_\_  
Bradric T. Bryan, Solicitor

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, do hereby certify that the foregoing Resolution was duly passed by the Council of the Village of Peninsula, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Trevor K. Elkins, Fiscal Officer

Posting Certificate

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, hereby certify that there is no newspaper published in the Municipality, and publication of the foregoing Resolution was made by posting true and accurate copies thereof at five of the most public places in the Village as previously determined by Council, each for a period of at least fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, as follows:

1. Terry Lumber & Supply;
2. Valley Fire District;
3. Peninsula Library & Historical Society;
4. Peninsula Village Hall Lobby; and
5. Peninsula Post Office.

\_\_\_\_\_  
Trevor K. Elkins, Fiscal Officer



VILLAGE OF PENINSULA, OHIO  
RESOLUTION NO.: 03-2020  
INTRODUCED BY: \_\_\_\_\_  
DATE PASSED: \_\_\_\_\_

**A RESOLUTION REQUESTING THE COUNTY FISCAL OFFICER TO CERTIFY TO THE VILLAGE OF PENINSULA THE AMOUNT A 3 MILL, FIVE YEAR, ROAD TAX RENEWAL LEVY WOULD GENERATE FOR THE VILLAGE**

WHEREAS, Village Council has determined that it is necessary to levy taxes outside the ten-mill limitation for purposes authorized by the Ohio Revised Code; and

WHEREAS, a 3 mill, five year, road tax levy that was adopted by the Village electorate in November of 2015 is presently in effect, and that levy will expire at the end of 2020; and

WHEREAS, Council desires for the Village electorate, at the November 2020 Election, to renew that tax levy, which is for the benefit of the Village for the purpose of general construction, reconstruction, resurfacing, and repair of Village streets and roads pursuant to O.R.C. Section 5705.19(G), upon the entire territory of the Village, which is located wholly within the County of Summit, Ohio, for an additional five year term, at the existing rate of 3 mills for each one dollar valuation, commencing in year 2021 and first due in calendar year 2022; and

WHEREAS, pursuant to O.R.C. Section 5705.03(B)(1), before certifying the levy to the County Board of Elections for placement on the ballot, Council is required to request the County Fiscal Officer to certify to the Village the total dollar amount of revenue the above described road tax renewal levy would generate for the Village.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Peninsula, Summit County, Ohio, to wit:

SECTION 1. Council, pursuant to O.R.C. Section 5705.03(B)(1), hereby requests the County Fiscal Officer to certify to the Village, the total dollar amount of revenue the above described road tax renewal levy would generate for the Village.

SECTION 2. All formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution shall take effect and be in force as of the earliest date permitted by law.

SECTION 4. Effective Date. This Resolution shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

IN WITNESS WHEREOF, we have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Passed:

\_\_\_\_\_  
Daniel Schneider, Jr., Mayor

Attest:

\_\_\_\_\_  
Trevor K. Elkins, Fiscal Officer

Approved as to Legal Form.

\_\_\_\_\_  
Bradric T. Bryan, Solicitor

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, do hereby certify that the foregoing Resolution was duly passed by the Council of the Village of Peninsula, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Trevor K. Elkins, Fiscal Officer

Posting Certificate

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, hereby certify that there is no newspaper published in the Municipality, and publication of the foregoing Resolution was made by posting true and accurate copies thereof at five of the most public places in the Village as previously determined by Council, each for a period of at least fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, as follows:

1. Terry Lumber & Supply;
2. Valley Fire District;
3. Peninsula Library & Historical Society;
4. Peninsula Village Hall Lobby; and
5. Peninsula Post Office.

\_\_\_\_\_  
Trevor K. Elkins, Fiscal Officer

VILLAGE OF PENINSULA, OHIO  
ORDINANCE NO.: 04-2020  
INTRODUCED BY: \_\_\_\_\_  
DATE PASSED: \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 147.08 OF THE ADMINISTRATIVE CODE  
RELATING TO CALL BACK PAY**

WHEREAS, the Mayor and Council desire to amend Section 147.08 of the Administrative Code relating to call back pay in order to clarify that employees who are called back to work outside of their scheduled work hours shall be paid at time and one-half their regular pay rate for all hours worked or owed in connection with their return to work.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Peninsula, Summit County, Ohio, to wit:

SECTION 1. Council hereby amends Section 147.08 of the Administrative Code titled Call Back Pay as set forth in the attachment to this legislation.

SECTION 2. All formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect and be in force as of the earliest date permitted by law.

SECTION 4. Effective Date. This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

IN WITNESS WHEREOF, we have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Passed: \_\_\_\_\_  
Daniel Schneider, Jr., Mayor

Attest: \_\_\_\_\_  
Trevor K. Elkins, Fiscal Officer

Approved as to Legal Form. \_\_\_\_\_  
Bradric T. Bryan, Solicitor

ORDINANCE 04-2020  
PAGE TWO

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, do hereby certify that the foregoing Ordinance was duly passed by the Council of the Village of Peninsula, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Trevor K. Elkins, Fiscal Officer

Posting Certificate

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, hereby certify that there is no newspaper published in the Municipality, and publication of the foregoing Ordinance was made by posting true and accurate copies thereof at five of the most public places in the Village as previously determined by Council, each for a period of at least fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, as follows:

1. Terry Lumber & Supply;
2. Valley Fire District;
3. Peninsula Library & Historical Society;
4. Peninsula Village Hall Lobby; and
5. Peninsula Post Office.

\_\_\_\_\_  
Trevor K. Elkins, Fiscal Officer

**147.08 CALL BACK PAY.**

An employee who is required to return to work shall receive call back pay in the amount of at least two hours pay or for the amount of time the employee is called back to work, whichever is greater. An employee that is required to return to work shall be paid at his or her time and one-half overtime pay rate for all hours worked or owed in connection with their return to work.